The Builder.

No. CCCCXI.

SATURDAY, DECEMBER 21, 1850.

THE annoyance, loss, and trouble which have been caused to builders by the wording of the Metropolitan Buildings Act, in respect of overhanging cottage roofs, and the want of explicit and proper instructions on the part of the official referees, for which we must consider them blameable, can scarcely be imagined by those unacquainted with the facts. It seems perfectly monstrous that, after six years' exercise of the Act, a simple matter of this sort should be left so indeterminate as to bring builders and district-surveyors still into collision, and cause the former loss and trouble. We will give the particulars of the last case of the sort before the referees, as a peg to hang some observations upon,—our object being to aid, as far as we can, in obtaining a clear understanding and preventing expensive and unnecessary litigation.

The case in question relates to a pair of semi-detached houses erected by a builder (Delay) in a wide road, in the district of South Kensington. The houses are set back 20 feet from the road, 15 feet at the nearest point from any ground in other occupation, and 30 feet from the adjoining pair of similar houses. These semi-detached houses, with over-hanging roofs (the *best sort* of roof for such houses), are rising, as our readers know, in every direction, and should be encouraged in preference to close rows, giving, as they do, free passage for air, and pleasant prospects. The builder covered the projecting eaves of the roofs with stout zinc, let into the wall of the house, and turning round the end of the rafters up under the slates, duly separating the eaves of the two houses by projecting brickwork. He used zinc because it was being employed for the same purpose in the adjoining and other districts, and was, as he thought, perfectly in accordance with the Act.

The district-surveyor gave him notice it was irregular:—

"The *overhanging parts of the roofs* not being built of the same materials as are by the Act directed to be used for building the external walls to which such projections belong, or of such other proper and sufficient materials as the official referees may approve and permit, Schedule E."

And the notice not being attended to, he laid an information before the referees, setting forth that the projecting eaves were not "built of the same materials as are by the Act directed to be used for *building the external walls*, to which such projections belong," and requested the "award and *direction*" of the referees thereon.

At the hearing of the case, the conductor of this journal, who appeared for the builder, contended (using the words of the referees' award), that the overhanging eaves "formed part of the roofs of the said houses, and not of the external walls thereof, and did not constitute any such projection as was by Schedule E. of the said Act required to be constructed of the same materials as are by that Act directed to be used for building external walls, or of such other proper and sufficient materials as the official referees may approve and permit, and that the said alleged overhanging eaves being covered with such materials as are, by Schedule G. of the said Act, required for covering the external parts of any roof, flat, or gutter of any building, and of any projection therefrom, are not contrary to the said Act, in respect of the materials thereof."

He further urged, although, strange to say, no mention of it is made in the recapitulation put forth by the referees, reasons why the referees, even if they dissented from his reading of the Act, should direct that the eaves might remain as they are: first, because the builder had acted with the desire to do right, and the conviction that this was the case; secondly, that no possible harm could result to the public from allowing the eaves to remain as finished, and no possible good be effected by a substitution; thirdly, that zinc was a material the referees had "permitted" in a similar position elsewhere; and, fourthly, that it was being extensively so used in many districts, with the sanction of the district-surveyors.

The referees made their award in the following words:—

First, That the said overhanging eaves constitute and are cornices to overhanging roofs within the meaning of the rule of Schedule E. of the said Act first herein mentioned, headed "Projections from Face Walls," &c.

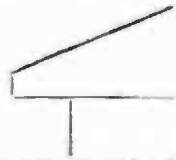
Secondly, That the said Charles Delay has built or formed the said overhanging eaves or cornices of wood, covered with zinc, and not of any of the materials by the said Act directed to be used for building the external walls to which such overhanging eaves or cornices belong, or of any other materials approved or permitted by the Official Referees, as required by Schedule E. of the said Act first herein mentioned; and that the said Charles Delay has so built or formed the said overhanging eaves or cornices, and the same now are, contrary to the rules and directions of the said Act."

The builder is to pay the cost of the office, 1*l.* 10*s.* 10*d.*; and 1*l.* 1*s.* to the district-surveyor.

We never find fault with authorities willingly: the referees have, individually, our personal respect and confidence; but we must nevertheless, on the part of the public, protest against such an award as this, the result of which must be further litigation and expense. They are asked to direct in a case of doubt (*doubt*, on such a matter after six years!), and they merely assert, more than a month after the hearing, that what is done is contrary to the directions of the Act: they don't say (we can scarcely suppose they would say) that the work is to be taken down, or that, placed as it is, it may remain; but that it is contrary to the Act. The district-surveyor talks of going to a magistrate to enforce amendment (even this he could not do, without again going to the referees); and the builder, with the view of getting the matter settled quietly if he can, will probably consider his next best step will be, to make a direct requisition to them to allow the zinc to remain: when there will probably be another 1*l.* 10*s.* 10*d.* to pay to the office, and another 1*l.* 1*s.* to the district-surveyor. This is punishing a man with a vengeance for, at the worst, ignorance,—ignorance which he has no means of avoiding,—punishing him for doing what all his neighbours are doing with the concurrence of the proper officer.

For our own part, we still maintain that the eaves in this case are part of the roof,—do not come under the provisions of Schedule E.,—and may legally be covered with metal.

Schedule E. says, "As to copings, parapets, *cornices to overhanging roofs*, blocking courses, cornices, piers," &c., "or other architectural decorations, *forming part of an external wall*, all such may project beyond the general line of fronts in any street or alley, but they must be built of the same materials as are by this Act directed to be used for building the external walls to which such projections belong, or of such other proper and sufficient materials as the official referees may approve and permit." Now the overhanging eaves in question cannot be called the "*cornice* of an overhanging roof," "forming part of an external wall:" they are part of the roof *itself*, as three lines will show;



and fall, we conceive, under Schedule G., which provides, "with regard to roof coverings, in reference to the materials thereof," that "the external parts of any roof, flat, or gutter of any building, or of any projection therefrom," "must be covered with slates, tiles, *metal*, glass, artificial stone, or cement." We should like the referees to take the votes of the "District Surveyors' Association" on this point, for we feel satisfied we should have the majority coincide in our view of the matter. The referees would not consider themselves at liberty to prevent the *whole* of the top of the roof from being covered with zinc: on what ground can they say the under part of it shall not be so covered?

Readers will naturally ask, what material the referees *will* permit to be used for the purpose? They on one occasion, when adjudicating on information lodged with them, directed that iron, laths, and lime and hair plastering should be substituted for the zinc, in that part where the eaves abutted upon other buildings or ground not in the same occupation.* But in the case of some semi-detached houses, standing in their own ground, in the Lewisham-road (and the difference between such and close rows of houses in narrow streets should be remembered), they permitted, by award, the use of stout fir laths and cement. Even if this mode be adopted, however, on the faith of that precedent, a mode which will be found as cheap, convenient, and sufficient as any, some district-surveyor might yet be found who would feel himself compelled to drag the unfortunate builder before the referees, and would probably get a guinea for doing so.

PROPOSED ENLARGEMENT OF "THE BUILDER."

THE increasing demands on our space, through the variety of interests which we represent and minister to, and the favour with which our efforts have been received by the public, have led us to determine on enlarging our journal permanently at the commencement of the coming year. The first and all succeeding numbers for 1851 will, therefore, consist of Twenty-four Pages instead of Sixteen, as heretofore, and the public will, we trust, appreciate our determination to ensure their support, when we say that *the price will remain the same as now*. We shall take another opportunity to show the advantages we shall then be able to give our readers, and the new features we propose to introduce. With the first number for the new year we shall present to our subscribers a fine view of the Interior of the Exhibition Building in Hyde-park, twice our usual size, besides other illustrations, and a large amount of important matter.

* See THE BUILDER, vol. VII. p. 48.

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